

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

GEORGE A. RICHMOND )  
 )  
v. ) NO. 2:03-CV-159  
 )  
SNAP-ON INCORPORATED )

**ORDER**

This racial discrimination matter is before the Court to address a Motion for Summary Judgement filed by the defendant. Summary judgment is proper where no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Fed.R.Civ.P. 56(c)*. In considering such a motion, the court must view the evidence and draw all reasonable inferences in favor of the nonmoving party.

*Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). The central issue is "whether the evidence presents sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 251-52 (1986); *Vaughn v. Watkins Motor Lines, Inc.*, 291 F.3d 900, 903 (6<sup>th</sup> Cir. 2002).

Considering all the evidence in the light most favorable to the plaintiff and giving the plaintiff the benefit of all reasonable inferences, the Court finds that there is a material dispute of facts in regard to whether or not the plaintiff was the victim of a racially hostile work environment and whether he was subjected to retaliation for his decision to file charges of discrimination. See *Jackson v. Quanex Corp.*, 191 F.3d 647, 658 (6th Cir. 1999). Therefore, it is hereby **ORDERED** that the defendant's motion for summary judgment, in regard to a racially hostile work environment, is **DENIED**.

Pursuant to LR16.4 of the Local Rules of the United States District Court for the Eastern District of Tennessee, it is hereby **ORDERED** that this case proceed to mediation within the next sixty (60) days. It is also hereby **ORDERED** that the final pretrial and the trial of this cause are **CANCELLED**.

The parties shall report on the results of mediation on or before March 31, 2005. If mediation has been unsuccessful, this case will be reassigned for trial at that time.

ENTER:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE